

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS**

DIVISION: Lufkin

§ DATE: 10/18/10

JUDGE: RON CLARK

§ REPORTER: CHRIS BICKHAM

Affinity Labs of Texas

§ CIVIL NO.: 9:08CV164

*PLAINTIFF*

§

BMW North America, et al

§

*DEFENDANT*

§ C/R DEPUTY: Faith Ann Laurents

Attorneys for Plaintiff: Tom Sankey, Woody Jameson, Matt Gaudet, et al

Attorneys for Defendant: Mark Hannemann, Deron Dacus, Mike Lennon, Silke Kampe, et al  
Steve Zager, Thad Heartfield, Jin Park, Ruben Munoz, et al

THIS DAY CAME THE PARTIES BY THEIR ATTORNEYS AND THE FOLLOWING

PROCEEDINGS WERE HAD: 9:50 am Jury Selection begins. Court questions panel. 10:12

Voir Dire by Mr. Sankey. 10:28 am Voir Dire by Mr. Dacus. 10:36 am Voir Dire by Mr.

Heartfield. 10:45 am Court individually questions select jurors. 11:10 am Court recessed for

attorneys to make juror strikes. 11:30 am Jury selected and seated. 11:40 am Court gave jury

preliminary instructions. Jury reviewed patent film. 12:00 pm Court continued prelim.

instructions. 12:20 pm Jury released for lunch. Court heard objections to exhibits and made

rulings on the record. 12:45 pm Court recessed. 1:45 pm Court resumed. Opening statement by

Mr. Jameson began. 2:35 pm Court recessed. 2:45 pm Court resumed. Opening statement by

Mr. Hannemann. 3:06 pm Opening statement by Mr. Zager began. 3:19 pm Court introduced

staff. Rule invoked. Witness, Russell White, sworn and direct by Mr. Jameson began. PX#1, 2

admitted. 3:45 pm Court recessed. 4:00 pm Court resumed. VDX#203 admitted.

DAVID J. MALAND, CLERK

/s/ Faith Ann Laurents

Deputy Clerk

TOTAL TIME: 5 hrs. 40 mins.

✓ See Add'l. Proceedings

ADDITIONAL PROCEEDINGS:

Mr. Zager objected. Sustained. PX#371 admitted. 4:38 pm Cross by Mr. Hannemann.  
VDX#1, 3 admitted. 5:00 pm jury recessed until 8:45 am tomorrow. Court heard previous  
objections outside presence of jury. Court sustained objection for reasons stated on the record.  
5:12 pm Mr. White took the stand for purposes of an offer of proof, to show what his testimony  
would have been had the Court not sustained the objection. 5:15 pm Court recessed.

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